

Notice of Allowability

Application No.

10/757,430

Examiner

Laura C. Hill

Applicant(s)

SUGITO ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remarks filed 8 February 2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 15 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Disposable Diaper with Tubular Liquid-Distributing Passage.

Allowable Subject Matter

Claims 1-20 allowed.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. Specifically, a title change is requested. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The following is an examiner's statement of reasons for allowance: the art of prior record fails to anticipate or obviate a diaper with a tubular liquid passage *extending from front region toward a center crotch region*. The art of prior record fails to show a tubular liquid passage *combined* with a slit extending completely through the core in a thickness direction for controlled body fluid distribution or a motivation to combine these two structural elements. The art of prior record fails to show a tubular liquid passage, which provides controlled body fluid spreading in first a longitudinal direction *and then a transverse direction*.

The Osborn et al. reference, US patent no. 5,846,230, fails to meet independent claims 1 and 11 because it discloses end and central regions with a fluid-directing

component 48 lying between liquid pervious topsheet 38 and liquid-impervious backsheet 40 and extending along only along the center crotch region (fig. 2). The Osborn et al. reference discloses absorbent sanitary napkin 20 with fluid directing component 48 positioned between the absorbent core 42 and absorbent strip 46 for directing bodily discharges longitudinally towards the ends 42D of the absorbent core 42, but fluid directing component 48 does not direct such discharges laterally all the way to the side edges 42C of the absorbent core (col. 10, ll. 5-14).

The Osborn et al. reference fails to meet claims 2-20 because fluid directing strip 48 contains score lines to assist the means for directional fluid distribution 44 but does not disclose a slit extending through the absorbent core, any type of loop-forming structure which cooperates with the upper section of the first liquid-pervious sheet to define a tubular liquid passage, an upwardly convex portion, or an omega-shape on the first liquid-pervious sheet (col. 13, ll. 17-23 and fig. 2).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Coles et al. reference, US patent no. 5,762,642, is cited for showing longitudinally directed barrier structures on the absorbent core in the form of score lines which reduces lateral migration of liquid loaded in center portion of article

Art Unit: 3761

while improving longitudinal migration but the score lines are not analogous to liquid tubular passage defined by a slit or omega-shaped raised portion. The Mishima et al. reference, US patent no. 6,383,170, is cited for showing a disposable diaper designed so body wastes discharged thereon is prevented from flowing into the front region and from flowing and/or spreading in the crotch and rear waist regions with feces receiving section. The Runeman et al. reference, WO 90/14063, is cited for showing a disposable diaper with hose-like body with an outwardly convex shape to fit against wearer and liquid is dispersed in longitudinal direction in the lowermost part, enabling liquid to be dispersed to drier parts of the absorbent body 4 but does not disclose fluid can be directed laterally after being directed longitudinally.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Hill whose telephone number is 571-272-7137. The examiner can normally be reached on Monday through Friday (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on 571-272-4390. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura C. Hill
Examiner
Art Unit 3761

LCH



Larry I. Schwartz
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